

GLS LEASCO vs NAVISTAR
LOLLIS, JIMMY on 08/06/2024

EXHIBIT X

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLS LEASCO, INC. And)	
CENTRAL TRANSPORT LLC,)	
)	
PLAINTIFFS,)	
)	
VS.)	CASE NO. 23-cv-12927
)	
NAVISTAR, INC,)	
)	
DEFENDANT.)	

ORAL DEPOSITION OF

JIMMY DEAN LOLLIS

AUGUST 6, 2024

ORAL DEPOSITION OF JIMMY DEAN LOLLIS, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 6th of August, 2024, from 9:01 a.m. to 4:52 p.m., before Jennifer Norman, CCR in and for the State of Arkansas, reported by machine shorthand, at the 1130 East Millap, Fayetteville, Arkansas 72703, pursuant to the Federal Rules of Civil Procedure.

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<p style="text-align: right;">Page 102</p> <p>1 concern you that you weren't able to order the full 2 amount? 3 A. I think I did send him an email at one time going: 4 Hey, I need to get these 300 ordered. 5 I don't remember exactly, but it does -- 6 but that does ring a bell. 7 Q. Okay. And why did it concern you? 8 A. I just like to get all my trucks in line and get 9 them ordered and see some production dates because we 10 have to manage that. 11 Q. All right. And did you ever get an explanation 12 from Sean as to why he wouldn't allow you to order the 13 1,305? 14 A. I -- I don't recall -- 15 Q. Okay. 16 A. -- on that. 17 (Exhibit 42 marked for identification.) 18 Q. All right. So I'm going to give you Exhibit 42. 19 A. Okay. Okay. 20 Q. All right. So this is now dated the next day, 21 8/25/2021; correct? 22 A. Yes. 23 Q. And I'm sorry. So this is Exhibit Number 42. All 24 right. So this is an email from you to Carmichael on 25 8/25/2021, and this is you placing 1,000 RH orders for</p>	<p style="text-align: right;">Page 104</p> <p>1 So usually it's a pretty fluid environment for a while 2 on the numbers. 3 Q. Well, let me ask you this: So this email, it's 4 you sending to Carmichael a thousand RH order, and 5 then the quantities are listed? 6 A. This is -- yeah, this is how we set them up. 7 Q. Okay. So who made the decision to break it out 8 the way it did with 50 -- well, January 2022 is listed 9 twice, 50 a month, and then February 75, and so forth. 10 Who made that decision how to break them up like that? 11 A. My -- again, my assumption is -- my guess is that 12 we were directed to do this by Navistar. 13 Q. All right. Okay. So you don't believe that you 14 made a decision to provide less trucks than what 15 was -- 16 A. I would not do that, no. 17 Q. Okay. And why would you not do that? 18 A. I would stick to the schedule, the original 19 schedule as planned. 20 Q. Okay. If it was up to you, you would have -- 21 A. But, again -- 22 Q. -- you would have honored the agreement if it was 23 up to you? 24 A. I would have, yes. But I -- I never order trucks 25 unless I'm directed by Navistar how to do it.</p>
<p style="text-align: right;">Page 103</p> <p>1 Central Transport; correct? 2 A. Correct. 3 Q. All right. So looking at this production date, 4 this list, the quantity for February 2022 is 75; 5 right? 6 A. Yes. 7 Q. And that's less than the 100 that was set forth on 8 the agreement a couple weeks earlier; right? 9 A. Correct. 10 Q. And that's accurate -- that's the same going down 11 the list? It was supposed to be 100 per month until 12 January 20 -- and I'm sorry -- 100 per month until 13 February 2023 when there was supposed to be 105; 14 correct? 15 A. Correct. 16 Q. So for every month from February on, there was 25 17 or so less trucks ordered than was promised; right? 18 A. That would be -- according to this chart, that's 19 correct. But there -- when you order trucks, you put 20 in there the month that you want them built. Okay? 21 So that was -- somewhere or another, I'm 22 sure there's an email or some communication this is 23 how they wanted them put in the system. And then 24 Navistar will go in and rearrange the system, massage 25 the numbers to get them where they need them to be.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. All right. And this is when you said Sean never 2 gave an explanation as to why this was directed this 3 way? 4 A. Excuse me? 5 Q. Sean Carmichael never gave you an explanation as 6 to why it was directed to be this way? 7 A. I don't recall one, no. 8 Q. Okay. 9 A. I'm not saying -- there may be some communication 10 out there, but I don't remember it. 11 Q. All right. Let me just ask about a couple of the 12 people on this email real quick. So I think we see 13 Olawale Akinosho. You mentioned him earlier. He is 14 the guy who helps with scheduling; is that right? 15 A. Yes. He would be -- at that time, I guess he 16 would be over working with the factory to get the 17 orders done the way Sean would want them done. 18 Q. Okay. And who is Maria Averhart? 19 A. Maria is the lady I mentioned earlier this 20 morning. And she is at the factory and she handles 21 scheduling, among other things. But if you have 22 scheduling issues, that would be someone that I would 23 contact. Christy is in the same situation, but she's 24 no longer there. 25 Q. Christy Guerrero Cavazos?</p>

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<p style="text-align: right;">Page 114</p> <p>1 production time frame. There was a group of Universal 2 trucks that needed to be built as soon as possible, 3 and then regular split production would start where we 4 build some Universal, some Centrals. For some reason 5 or another, the bulk of the earlier trucks got built 6 for Universal. 7 Q. Okay. And you would agree, apart from -- I 8 understand there was the early order that needed to be 9 placed for Universal. That was a smaller order of 10 trucks; right? 11 A. Yes. I don't remember. I think 75, but don't 12 hold me to that. 13 Q. And then apart from that, the factory started 14 producing many more Universal trucks than Central 15 trucks? 16 A. That's correct. 17 Q. And that was not at the request of Central or 18 Universal? 19 A. No, that was not. 20 Q. That was Navistar's decision? 21 MR. MURPHY: Object to the form and 22 foundation. 23 A. The factory or someone moved that, yes. 24 Q. Well, factory or someone? Who else -- 25 A. Well --</p>	<p style="text-align: right;">Page 116</p> <p>1 Central would have a say in the production time. 2 (Exhibit 45 marked for identification.) 3 Q. Okay. All right. I'm going to give you -- we're 4 going to jump ahead. So we're going to go to exhibit 5 number -- well, this will be 45. Here's 45. 6 THE WITNESS: Good? 7 MR. EVERETT: Uh-huh. 8 Q. And we're going to get -- Mr. Lollis, this is a 9 very large document. We're going to get to some of 10 the 2023 stuff later. 11 A. Oh, okay. 12 Q. But I want to direct you to the first page here. 13 A. Sure. 14 Q. So this is an email from you to Sean Carmichael 15 dated March 24, 2023. And you copied Justin Fink; 16 correct? 17 A. Yes. 18 Q. All right. And we'll discuss -- and you say at 19 the beginning you're disappointed in Navistar. We'll 20 talk about that a little bit later. 21 I wanted to ask you about this. You say: 22 I know this does not matter to the decision-makers, 23 but I want to state this for the record again. And 24 then you wrote; correct? Central did not choose the 25 way the trucks were allocated and distributed; right?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. -- apart from Navistar could have made that 2 decision? 3 A. Well, again, I don't know who makes those 4 decisions. I know we had asked about why it was being 5 done that way. 6 Q. Did you ever get an answer? 7 A. I don't remember specifically. There probably 8 wasn't. It didn't seem to get changed. 9 Q. Okay. Was that concerning to you? 10 A. Excuse me? 11 Q. Was that concerning to you? 12 A. It was. And I think I did discuss that with Sean 13 and with Central. 14 Q. Okay. Why was it concerning to you? 15 A. Well, I didn't think we were going to meet the 16 delivery dates. 17 Q. What did Carmichael have to say, from your 18 recollection? 19 A. I don't remember any -- any specific thing that he 20 said off the top of my head. 21 Q. Do you remember him trying to blame Central for 22 that? 23 MR. MURPHY: Object to the form. Asked 24 and answered. 25 A. No, not off the top of my head. I don't know how</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Correct. 2 Q. And that's true; right? 3 A. That's what I was saying a minute ago. Yes. 4 Q. All right. You said: The factory pushed the 5 white Universal trucks into production first over 6 repeated requests to move yellow Central trucks into 7 earlier slots; correct? 8 A. That's correct. 9 Q. And that's a true statement? 10 A. That's correct. Yes. 11 Q. Okay. The repeated requests were by you, or who? 12 A. I requested that through -- there's emails 13 somewhere; and you may have them. But there's emails 14 somewhere where I'm going back and forth with Sean and 15 Maria saying: This is not correct. We've got to have 16 more Central trucks built. You're pushing all the 17 Universal trucks ahead of Central. 18 Q. All right. 19 A. Paraphrasing that point. 20 Q. Okay. You would also agree that's certainly not 21 the way you ordered the trucks; right? You did not 22 order Central trucks to be produced later after 23 Universal? 24 A. Again, the way I recall it, every truck was 25 ordered as a Central truck, and then I had to go back</p>

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<p style="text-align: right;">Page 118</p> <p>1 in and change the ones that needed to be Universal</p> <p>2 trucks. I think the first group that was the critical</p> <p>3 group that Navistar had told Central they would be</p> <p>4 able to deliver January/February, those were ordered</p> <p>5 as Universal. The rest of them they had to give me a</p> <p>6 breakdown, and I had to go in and make those changes.</p> <p>7 Q. Okay.</p> <p>8 A. So then we asked for production to be, like,</p> <p>9 spread out between both companies.</p> <p>10 Q. And upon repeated requests, they did not move more</p> <p>11 Central trucks up then?</p> <p>12 A. They were not -- they did not, no.</p> <p>13 Q. Did they ever give you an explanation as to why?</p> <p>14 A. I don't remember an explanation.</p> <p>15 Q. Okay. And then it says: Central trucks did not</p> <p>16 start production until April 2022 and are still being</p> <p>17 built today -- so as of March 2023 -- with final</p> <p>18 production of the 2022 orders scheduled for April</p> <p>19 2023; correct?</p> <p>20 A. Okay. Which one are you on again? I'm sorry.</p> <p>21 Q. The third sentence there that you said: Central</p> <p>22 trucks did not start production until April of 2022.</p> <p>23 A. Correct.</p> <p>24 Q. Okay. So is that a true statement?</p> <p>25 A. I believe that is true, yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 slots needed to complete the agreement?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Now, did those 305 -- those additional</p> <p>4 305 were never ultimately placed, were they?</p> <p>5 A. I don't remember placing those trucks, no.</p> <p>6 Q. Okay. Now, there came a point in time where even</p> <p>7 that thousand -- so the sequence, it was 1,305 under</p> <p>8 the original agreement; right?</p> <p>9 A. Sounds correct, yes.</p> <p>10 Q. And then you were told you were only allowed to</p> <p>11 order a thousand?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And then there came a time that thousand</p> <p>14 was reduced further; correct?</p> <p>15 A. I don't remember that. I remember at some time</p> <p>16 during this time that became 1,100.</p> <p>17 Q. All right.</p> <p>18 A. So -- but there may be some shuffling in there</p> <p>19 too.</p> <p>20 (Exhibit 47 marked for identification.)</p> <p>21 Q. All right. This will be 47.</p> <p>22 A. Okay.</p> <p>23 Q. All right. So this is an email from you to</p> <p>24 Carmichael on November 16, 2021; correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Okay. And then the last sentence says: As we are</p> <p>2 all aware, Central expected all production to be</p> <p>3 complete by June 2022 as promised by Navistar.</p> <p>4 Do you see that?</p> <p>5 A. Correct.</p> <p>6 Q. And that was your understanding that is what all</p> <p>7 expected?</p> <p>8 A. Correct.</p> <p>9 Q. And that includes Navistar?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And so when you were saying "as we are all</p> <p>12 aware," who were you referring to there?</p> <p>13 A. That would be Central, Navistar, Summit.</p> <p>14 (Exhibit 46 marked for identification.)</p> <p>15 Q. Okay. All right. We'll come back to this</p> <p>16 document in a minute. So we'll set this one aside,</p> <p>17 but all right. Now I'm going to go to Exhibit 46.</p> <p>18 Now we're going to go back to the sequence we were in</p> <p>19 before.</p> <p>20 MR. EVERETT: Yeah, okay.</p> <p>21 THE WITNESS: That's the same one.</p> <p>22 MR. DAVIS: Yeah, it's a follow-on to an</p> <p>23 earlier exhibit.</p> <p>24 Q. I just wanted to ask, so at this point as of 10/5,</p> <p>25 you are indicating to Carmichael that there is 305</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. All right. You say: Sean, Central ordered 1,305</p> <p>2 2023 International RH based on a cover letter dated --</p> <p>3 I'm sorry -- based on a cover letter signed 7/29/21;</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And we've already talked about that?</p> <p>7 A. Yeah.</p> <p>8 Q. And then it says a thousand trucks were ordered on</p> <p>9 8/25/21; correct?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And then you mentioned the trucks were</p> <p>12 ordered with \$1,000 steel surcharge included in the</p> <p>13 price. So that was built in already to those thousand</p> <p>14 trucks?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And then you ask: Can you clarify the</p> <p>17 following items pertaining to this order? One,</p> <p>18 Navistar will cut the total order from 1,305 to 600</p> <p>19 for 2022 production?</p> <p>20 Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Okay. Does that refresh your recollection that in</p> <p>23 November of 2021, Navistar cut the production from</p> <p>24 1,305 to 600?</p> <p>25 A. You're saying am I aware that they cut the</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. Yes.</p> <p>2 Q. All right. So going to the last page here, it</p> <p>3 shows a list of order ID numbers and the quantity that</p> <p>4 total up to a thousand; correct?</p> <p>5 A. Yes.</p> <p>6 Q. So as of January 14th, you had placed a thousand</p> <p>7 orders in the system, the Navistar system?</p> <p>8 A. That looks correct, yes.</p> <p>9 Q. Okay. And then if you go up to the first page,</p> <p>10 you say that: Sean, the specs are not correct. Joe</p> <p>11 made changes to the Central specs and the Universal</p> <p>12 needs changes based on the company differences.</p> <p>13 And then you say: I need to know how</p> <p>14 many truck for Central and Universal. Right?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And then you actually turned around</p> <p>17 and told Joe Hanvey at Central that same day that he</p> <p>18 needed to give you that information?</p> <p>19 A. I was in continuous communication with Joe on</p> <p>20 spec'ing. I don't know when the email went out or the</p> <p>21 timeline on the communication.</p> <p>22 Q. All right. This is Exhibit 52.</p> <p>23 (Exhibit 52 marked for identification.)</p> <p>24 MR. DAVIS: Kyle, 52.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. 52, yeah. Same date -- 51 and 52 are the same</p> <p>2 dates; right? Correct?</p> <p>3 A. Excuse me?</p> <p>4 Q. Those are both the same date? 51 and 52 are both</p> <p>5 January 14th?</p> <p>6 A. They are, yes, that's correct, within eight</p> <p>7 minutes -- six minutes of each other.</p> <p>8 Q. Perfect. All right. And going back to</p> <p>9 Exhibit 48. That might be the one I asked you to set</p> <p>10 aside because we would be going back to it.</p> <p>11 A. No. I think I finally stuck it in the hole.</p> <p>12 Q. Did you?</p> <p>13 A. Sorry.</p> <p>14 Q. This is a June 19, 2023, email chain with you</p> <p>15 and --</p> <p>16 MR. MURPHY: Which one was that,</p> <p>17 Counsel?</p> <p>18 MR. DAVIS: 48. 48.</p> <p>19 THE WITNESS: Got it.</p> <p>20 MR. EVERETT: Let me see those. I'll</p> <p>21 put them in sequence.</p> <p>22 THE WITNESS: I got them out of whack</p> <p>23 there. Sorry about that.</p> <p>24 Q. All right. And going back to 48. We talked about</p> <p>25 this before, but this is, then, on January 18, 2022.</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Okay. So a couple things on this email. First,</p> <p>2 you say: Joe, I am being told your truck quantity</p> <p>3 will be 1,100 for 2022.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Does that refresh your memory at all as to when</p> <p>7 you first learned that the order number was going to</p> <p>8 go to 1,100?</p> <p>9 A. You know, I recall getting a phone call at home</p> <p>10 from Sean telling me that he had negotiated a deal for</p> <p>11 1,100, no trades.</p> <p>12 Q. Okay.</p> <p>13 A. I don't -- I don't know if there's any direct</p> <p>14 email to that fact or not.</p> <p>15 Q. Okay. All right. And so you do ask him -- you</p> <p>16 ask Joe Hanvey for the breakdown of how many trucks</p> <p>17 for Central and Universal. And that's the same date,</p> <p>18 June -- I'm sorry -- January 14, 2022?</p> <p>19 A. Looks like it, yes.</p> <p>20 Q. The same date as the prior exhibit we looked at;</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And I'm sorry. What exhibit was that</p> <p>24 again?</p> <p>25 A. 51 and 52.</p>	<p style="text-align: right;">Page 149</p> <p>1 That is when Sean Carmichael receives the breakdown</p> <p>2 between Central and Universal that Carmichael forwards</p> <p>3 to you; right?</p> <p>4 A. Okay. Say that one more time, please.</p> <p>5 Q. Sure. So on the 14th, you told Joe Hanvey,</p> <p>6 copying Kyle Blain, that you needed the breakdown</p> <p>7 between Central and Universal. We just looked at</p> <p>8 that; right?</p> <p>9 A. Okay.</p> <p>10 Q. Right? And then this email here shows that on</p> <p>11 January 18th, Sean Carmichael forwarded to you --</p> <p>12 A. Oh.</p> <p>13 Q. -- the email from Kyle Blain giving that</p> <p>14 breakdown; right?</p> <p>15 A. Okay.</p> <p>16 Q. 630 Central and 431 Universal, 39 PAM; correct?</p> <p>17 A. Okay. I understand. Yes.</p> <p>18 Q. Okay. So within four days of when you asked</p> <p>19 Hanvey, you had the information?</p> <p>20 A. Looks like it, yes.</p> <p>21 Q. Okay.</p> <p>22 (Anthony Sallah enters Zoom</p> <p>23 proceedings.)</p> <p>24 (Exhibit 53 marked for identification.)</p> <p>25 Q. Now I'm going to give you Exhibit 53. There you</p>

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<p style="text-align: right;">Page 150</p> <p>1 go. So I'll hand you Exhibit 53, which is an email 2 from you to Maria Averhart and Christy Guerrero 3 Cavazos dated January 20, 2022; correct? 4 A. Okay. 5 Q. Is that right? 6 A. Oh. I'm sorry. The question? 7 Q. Yeah. This is an email dated January 20, 2022, 8 from you to Maria Averhart and Christy Guerrero 9 Cavazos; right? 10 A. Yes, correct. 11 Q. And they are the two at the factory, you said, or 12 you believe they were with the factory? 13 A. I'm sorry. Say that one more time. 14 Q. Maria and Christy Guerrero being the women who 15 worked in the factory? 16 A. They would be my contact for production, yes. 17 Q. Okay. And this is reflecting your changing the 18 orders to indicate which are for Central and which are 19 for Universal; right? 20 A. Correct. 21 Q. So that was done within two days of when Kyle told 22 you the breakdown; right? 23 A. Yes, it looks like it, yeah. 24 Q. All right. 25 A. That takes a little while to go through and change</p>	<p style="text-align: right;">Page 152</p> <p>1 and changes being made. So he would be someone that I 2 would contact going: Will this part work with this 3 part? 4 Q. Okay. And then you cc'd Carmichael, cc'd at the 5 very last one in the chain. All right. Who is DL CRC 6 Analysts? Do you know who that is? 7 A. No. That's an open email that goes to someone at 8 the plant. 9 Q. Okay. And then do you know who Daisy Tovias Perez 10 or David -- 11 A. I do not, no. 12 Q. You just don't know? All right. 13 A. No, none of those. 14 Q. All right. So you say: Maria, the OCR was done 15 at the direction of Navistar corporate based on the 16 attached letter. Central agreed to take truck with 17 disabled CMS for more slots in early production. At 18 this time, we are told the 1,100 trucks will be built 19 from February to June. 20 Do you see that? 21 A. Yes. 22 Q. Okay. So do you recall the disabled CMS, does 23 that have to do with the Bendix collision mitigation 24 system? 25 A. That is the Bendix collision -- excuse me --</p>
<p style="text-align: right;">Page 151</p> <p>1 each individually and get that to her. 2 (Exhibit 54 marked for identification.) 3 Q. All right. And then I'm going to hand you what's 4 going to be 54. There you go, 54. 5 MR. DAVIS: I only have three of this 6 one, Kyle. 7 A. Okay. What you got? 8 Q. There's a blank page. I'm not sure if there was a 9 page in the middle of this or not. I'll tear it out. 10 So this is an email -- Exhibit Number 54 11 is an email from you the same date, January 28, 2022, 12 to Maria Averhart and others; correct? 13 A. Yes. 14 Q. Okay. Who are these people, by the way? So we 15 already talked about Christy Guerrero. Who is Flores 16 Chapa? 17 A. Another employee of Navistar production. I don't 18 know most of these people. 19 Q. You don't know them? 20 A. A lot of them were on the original email that 21 Maria probably sent me. So I just copied them. 22 Q. I see. Do you know who Scott P Allen -- Scott 23 Allen is? 24 A. Yeah. Scott Allen was our production engineer. 25 So he was copied on it because of the specification</p>	<p style="text-align: right;">Page 153</p> <p>1 collision mitigation system. 2 Q. All right. And your understanding was that 3 Navistar -- I'm sorry, that Central had agreed to take 4 trucks without that system in place in order to get 5 the trucks faster? 6 A. There was an issue getting cameras. So you could 7 get this collision mitigation, but it wouldn't be 8 operable, and then it could be added on later. And 9 then it looks like they decided to go ahead and 10 take -- there was some question back and forth were 11 they wanting it with them or not since they weren't 12 going to be -- they were going to be disabled. But 13 they had to try to go ahead and do that, which would 14 help us build trucks earlier. 15 Q. Okay. Because some customers wouldn't take the 16 trucks unless they had the Bendix system in place, and 17 that freed up slots? 18 A. That freed up slots, yes. There are certain 19 customers their safety department won't let them 20 operate without the camera. 21 Q. So as of January 20th, your understanding was that 22 Central had already agreed to those changes to have 23 the prewire option for the Bendix instead of having 24 Bendix in place? 25 A. Correct.</p>

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<p style="text-align: right;">Page 162</p> <p>1 about.</p> <p>2 Q. And then your response to her was they're good to</p> <p>3 go; right?</p> <p>4 A. Good to go. And then she missed one. You know,</p> <p>5 but anyway. But yes, they wanted to make sure they</p> <p>6 didn't line-set without all the changes completed.</p> <p>7 Q. Okay. And describe what line-setting means.</p> <p>8 A. Line-set, when you finally line-set, which goes to</p> <p>9 step 28, that means the trucks cannot be changed and</p> <p>10 they will be built. So no one can stop them after</p> <p>11 that. It's going down the line.</p> <p>12 Q. So line-setting actually refers to the process of</p> <p>13 setting up the line to produce the trucks with the</p> <p>14 specs that you ordered?</p> <p>15 A. You know, to make -- I guess for better</p> <p>16 understanding, line-set means that all the parts are</p> <p>17 acquired; all the parts are in place; the computer is</p> <p>18 set up to build that truck. And they'll usually</p> <p>19 "line-set" a truck usually around 30 days before</p> <p>20 production.</p> <p>21 Q. Okay. So as of February 10th, the factory was</p> <p>22 telling you that they were able to start line-setting</p> <p>23 the March orders for Central?</p> <p>24 A. Looks like it, yes.</p> <p>25 Q. Okay. And as you know -- do you know if that ever</p>	<p style="text-align: right;">Page 164</p> <p>1 Do you see that one?</p> <p>2 A. Yes. 4:56.</p> <p>3 Q. Yep. And do you see the dates, they're listing</p> <p>4 the dates for the production?</p> <p>5 A. So you mean the date of the email?</p> <p>6 MR. BLAIN: You've got to go back.</p> <p>7 Q. No.</p> <p>8 A. Oh. Please see dates below. Okay.</p> <p>9 Q. Please see dates below. And then they have</p> <p>10 638693, March 2022 --</p> <p>11 A. There you go, yeah.</p> <p>12 Q. All right. And then she says: The ones that are</p> <p>13 not highlighted are correct.</p> <p>14 So there's two that were highlighted, but</p> <p>15 the rest are correct. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So order 638393 for March 2022, if you turn</p> <p>18 to the first page that's the Central order; correct?</p> <p>19 MR. EVERETT: The first page.</p> <p>20 Q. Go to the last page. Order as CT, Central, order</p> <p>21 638393, quantity 75, you asked for production to be</p> <p>22 moved up from 10/25/2022; correct?</p> <p>23 A. I'm saying so, if you've got it on there.</p> <p>24 Q. Well, I want you to confirm so we understand.</p> <p>25 A. So 638393?</p>
<p style="text-align: right;">Page 163</p> <p>1 actually happened?</p> <p>2 A. Well, and you've got to -- also something to take</p> <p>3 into context, sometimes the factory is calling Central</p> <p>4 and Universal trucks Central trucks. So they may be</p> <p>5 talking about just the first group in this order. I</p> <p>6 would have to go back and research that a little bit.</p> <p>7 But I know that Central trucks started building in</p> <p>8 March.</p> <p>9 Q. Okay.</p> <p>10 A. No. Excuse me. April.</p> <p>11 Q. Let's back up. Because remember, this is a</p> <p>12 continuation of your earlier email; right?</p> <p>13 A. Yeah.</p> <p>14 Q. And so if you look at your chart, you have Central</p> <p>15 and Universal already broken out for the factory;</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. All right.</p> <p>19 A. But they still -- the factory a lot of times</p> <p>20 refers to both trucks as Central's. I always have to</p> <p>21 watch that. So...</p> <p>22 Q. All right. Let's actually back up a little bit</p> <p>23 more on the same document, then. If you look at the</p> <p>24 Maria Averhart, it's on the second page, bottom,</p> <p>25 Maria Averhart to you, February 10, 2022, at 4:56 a.m.</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Correct.</p> <p>2 A. Okay.</p> <p>3 Q. Turn to your chart at the last page.</p> <p>4 A. Yes.</p> <p>5 Q. The very first one; correct, says Central, order</p> <p>6 for Central, 638393, quantity 75. And that was one</p> <p>7 that you had asked to be moved up from an</p> <p>8 October 25th, 2022 production date; right?</p> <p>9 A. That is correct.</p> <p>10 Q. All right. So she's -- so does that -- having</p> <p>11 looked at this entire chain now, does that suggest</p> <p>12 that they were indicating that they could start</p> <p>13 line-setting the March orders for Central?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay.</p> <p>16 A. Yes. I see your point.</p> <p>17 (Exhibit 57 marked for identification.)</p> <p>18 Q. Now I'm going to hand you 16306. This is going to</p> <p>19 be Navistar Exhibit 50. I'm sorry. Exhibit 57.</p> <p>20 MR. EVERETT: This did not come to you;</p> <p>21 right?</p> <p>22 THE WITNESS: Uh-huh.</p> <p>23 MR. EVERETT: There you are. You're</p> <p>24 copied. I see it now.</p> <p>25 A. Okay.</p>

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1 Q. All right. So you're copied. You mentioned you
 2 weren't that involved in the negotiations here, but
 3 you were at least copied on this draft of the --
 4 **A. Yes.**
 5 Q. -- what would come to be the April agreement;
 6 correct?
 7 **A. It looks like it, yes.**
 8 Q. All right.
 9 **A. It looks like it.**
 10 Q. All right. So as of this date anyway, your
 11 understanding was that the Bendix issue had already
 12 been taken care of from Central's perspective because
 13 they agreed to go without Bendix; right?
 14 **A. They agreed to go without Bendix, but then they**
 15 **came back and decided to change that again.**
 16 Q. Who are you saying -- who is "they"?
 17 **A. Well, through Kyle; right?**
 18 Q. You can't ask him the questions.
 19 **A. I'm sorry. That's true.**
 20 Q. So you're saying at some point they decided to add
 21 Bendix back in?
 22 **A. We added Bendix back in.**
 23 Q. And who is the "we" there?
 24 **A. Excuse me?**
 25 Q. Who is the "we" in that sentence?

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1 **A. Central decided to add Bendix back in. And I**
 2 **believe I received that information from Kyle.**
 3 Q. All right. As of this date, though, you were
 4 being told again that the units would be built and
 5 delivered by June; correct?
 6 **A. I'm sorry. Say that again.**
 7 Q. As of this date, you were still being told that
 8 all the units would be built and delivered by June;
 9 correct?
 10 **A. That was how it was stated in the cover letter if**
 11 **I remember correctly, yes.**
 12 Q. All right. And turning to -- turning to the
 13 attachment there, what Navistar was suggesting --
 14 **A. I'm sorry. What was your question?**
 15 Q. I'm going to the cover letter there.
 16 **A. Yes.**
 17 Q. All right. Where you're showing 342 builds -- RH
 18 truck builds for March, and then 342 for April?
 19 **A. Yes.**
 20 Q. You would agree that that offer at that time was
 21 not consistent with what you were seeing in the orders
 22 that Navistar had in its own system; right?
 23 **A. I don't recall exactly how I was seeing it. But,**
 24 **yes, that doesn't look like that would have been**
 25 **correct as far as the order board at the time.**

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1 Q. All right. So the order board -- as far as you
 2 understood the order board, in reality it was
 3 different than what Navistar was representing to
 4 Central; correct?
 5 **A. That's correct. But also at that time, again, it**
 6 **was very fluid. They were moving it in and out.**
 7 **So...**
 8 Q. All right. Now, do you remember there was a time
 9 that came where Sean Carmichael was asking you to
 10 produce documents -- I think you discussed this, but
 11 he was asking you to send him documents to produce in
 12 the litigation. Do you remember that?
 13 **A. Yes.**
 14 Q. And I'll tell you Allegiance produced emails, and
 15 one of those emails, they sent the folder and it was
 16 actually called "CT-legal sent to Sean." Does that
 17 sound like a folder that you created on your Outlook?
 18 **A. And what was it called again?**
 19 Q. "CT-legal sent to Sean."
 20 **A. That may be. I don't remember off the top of my**
 21 **head.**
 22 Q. Do you think if you were pulling --
 23 **A. CT legal-Sean, that sounds like something I**
 24 **would -- I would abbreviate.**
 25 Q. Okay. And you were just -- he asked you to gather

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1 this material for purposes of the lawsuit; correct?
 2 **A. He did ask me, yes.**
 3 Q. And I don't know if I asked you this, but did you
 4 have any conversations with him about the lawsuit --
 5 **A. Not --**
 6 Q. -- at that time?
 7 **A. Not that I'm aware of, except just that I guess**
 8 **what -- I guess the bulk he talked about is we were**
 9 **being sued -- or Navistar was being sued over delivery**
 10 **times I think is what he said.**
 11 Q. All right.
 12 **A. But there wasn't any in-depth.**
 13 Q. Did you share with him, at that time, your opinion
 14 on that matter?
 15 **A. I don't remember sharing my opinion at that time.**
 16 Q. Did you have an opinion?
 17 **A. I probably do, but I'm not sure if I need to share**
 18 **it or not.**
 19 Q. Yeah. Why don't you go ahead and share your
 20 opinion.
 21 **A. Oh what part?**
 22 Q. On whether or not you think Navistar failed
 23 to deliver on its promises.
 24 MR. EVERETT: He's thinking I'm going to
 25 tell you not to answer that question.